

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

David D Miller	Chapter 13 Bankruptcy No. 16-12643-AMC
Debtor	
Sun East Federal Credit Union, or its Successor or Assignee	
Movant	
vs.	
William C. Miller, Trustee David D Miller	
Respondents	

**MOTION OF SUN EAST FEDERAL CREDIT UNION, OR ITS SUCCESSOR OR ASSIGNEE  
FOR RELIEF FROM AUTOMATIC STAY UNDER § 362(a)**

Movant: Sun East Federal Credit Union, or its Successor or Assignee

Mortgage dated December 30, 2008 and recorded on January 14, 2009 in the Office of the Recorder of Delaware County in Mortgage Book 04480 Page 2262.

Assignment of Mortgage dated July 23, 2015 and recorded on August 25, 2015 in the Office of the Recorder of Delaware County in Mortgage Book 05693 Page 0999.

Assignment of Mortgage dated May 7, 2015 and recorded on August 25, 2015 in the Office of the Recorder of Delaware County in Mortgage Book 05693 Page 1001.

1. Sun East Federal Credit Union, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of David D Miller, or of the bankruptcy estate located at: 18 Nicholas Court, Aston, Pennsylvania 19014.
2. David D Miller (hereinafter "Debtor") filed a Petition under Chapter 13 on April 14, 2016.
3. At the present time, the Mortgage requires payments each month of \$1,054.23.
4. Movant has not received regular mortgage payments and lacks adequate protection of its interests.
5. Debtor and Movant entered into a Loan Modification Agreement dated June 4, 2013 with a modified principal balance at \$135,837.41 and an Interest Rate at 3.500%.
6. Debtor and Movant entered into a second Loan Modification dated July 27, 2016. Said modification modified the principal balance to \$150,334.38 and modified the Maturity Date to August 1, 2056. Debtor has since defaulted under the terms of this modification.
7. Debtor is in default of post-petition payments to the present date from November 1, 2016.

8. The total amount of the post-petition arrearage as of this date is \$4,193.69. This figure is broken down as follows:

-Three (3) delinquent payments at \$1,054.23 each for the months of November 1, 2016 through January 1, 2017

-Post-petition fees and costs at \$1,031.00

9. Since January 5, 2017, Movant has incurred attorneys' fees in connection with this Motion.

10. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor under said Mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property such actions may include but are not limited to selling the property at Sheriff Sale, entering into a loan modification or signing a deed in lieu of foreclosure; and

Further, granting Movant permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with the applicable nonbankruptcy law.

/s/ Ann E. Swartz, Esquire

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